

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OUMOU BAH, AS THE
ADMINISTRATOR THE ESTATE OF
MOHAMED BAH,

13-cv-6690(PKC)(KNF)

Plaintiff,

- against-

VERDICT FORM

DET. EDWIN MATEO, et al.,

Defendants.
-----X

These questions shall be answered in accordance with the Court's instructions on the law.

Question 1:

Has plaintiff proven that one or more of the following defendants unlawfully used excessive force on Mr. Bah?

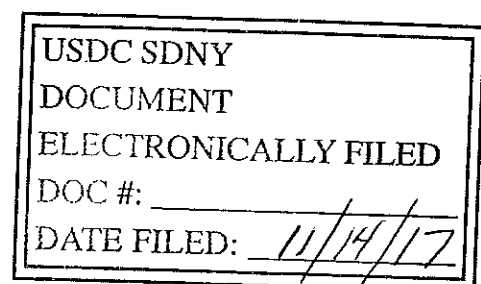
Edwin Mateo	Yes <u>✓</u>	No _____
Andrew Kress	Yes _____	No <u>✓</u>
Michael Green	Yes _____	No <u>✓</u>
Joseph McCormack	Yes _____	No <u>✓</u>

If you answered "No" as to all defendants, proceed to Question 3. If you answered "Yes" as to any defendant in response to Question 1 proceed to Question 2.

Question 2:

Has plaintiff proven that Lieutenant Licitra failed to supervise the unlawful use of excessive force by any of the defendants who you found unlawfully used excessive force in response to Question 1?

Yes ✓ No _____



Regardless of your answers to the prior Questions, answer Question 3.

Question 3:

Has plaintiff proven that one or more of the following defendants unlawfully entered Mr. Bah's apartment?

Brian Stanton	Yes _____	No <u>✓</u>
Esmeralda Santana	Yes _____	No <u>✓</u>
Edwin Mateo	Yes _____	No <u>✓</u>
Andrew Kress	Yes _____	No <u>✓</u>
Michael Green	Yes _____	No <u>✓</u>
Joseph McCormack	Yes _____	No <u>✓</u>

Regardless of your answers to the prior Questions, answer Question 4.

Question 4:

Has plaintiff proven that one or more of the following defendants intentionally placed Mr. Bah in apprehension of imminent harmful or offensive contact without justification?

Brian Stanton	Yes _____	No <u>✓</u>
Esmeralda Santana	Yes _____	No <u>✓</u>
Edwin Mateo	Yes _____	No <u>✓</u>
Andrew Kress	Yes _____	No <u>✓</u>
Michael Green	Yes _____	No <u>✓</u>
Joseph McCormack	Yes _____	No <u>✓</u>

If you answered "No" as to all defendants, in Questions 1, 3 and 4, your deliberations are finished. Sign and date the verdict sheet and return it to the Deputy Marshal. If you answered "Yes" as to any defendants in Question 1, 3 or 4, please follow the instructions below.

Answer this Question 5 only if you answered "Yes" as to Officer Stanton or Officer Santana in response to Question 3.

Question 5:

Has plaintiff proven that Lieutenant Gallitelli unlawfully failed to supervise the unlawful entry into Mr. Bah's apartment by Officer Stanton or Officer Santana?

Yes _____ No _____

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Answer Question 6 only if you answered "Yes" as to Detective Mateo, Officer Kress, Officer Green, or Sergeant McCormack in response to Question 3.

Question 6:

Has plaintiff proven that Lieutenant Licitra unlawfully failed to supervise the unlawful entry into Mr. Bah's apartment by Detective Mateo, Officer Kress, Officer Green, or Sergeant McCormack?

Yes _____

No _____

Answer Question 7 only if you answered "Yes" as to any defendant in response to Question 1.

Question 7:

(a) Has plaintiff proven that Mr. Bah's estate suffered compensatory damages as a result of being subjected to the unlawful use of excessive force?

Yes ✓ _____

No _____

(b) If you answered "Yes" to Question 7(a), state the dollar amount of any actual compensatory damages plaintiff has proven as a result of the unlawful use of excessive force:

\$ 2,250,000

(c) If you answered "No" to Question 7(a), state the amount of nominal damages, not to exceed one dollar, to be awarded to the plaintiff on her unlawful use of excessive force claim:

\$ _____

Answer Question 8 only if you answered "Yes" as to any defendant in response to Question 3.

Question 8:

(a) Has plaintiff proven that Mr. Bah's estate suffered compensatory damages as a result of an unlawful entry into Mr. Bah's apartment?

Yes _____ No _____

(b) If you answered "Yes," to Question 8(a), state the dollar amount of any actual compensatory damages plaintiff has proven on her unlawful entry claim:

\$ _____

(c) If you answered "No" to Question 8(a), state the amount of nominal damages to be awarded to the plaintiff on the unlawful entry not to exceed one dollar:

\$ _____

Answer Question 9 only if you answered "Yes" as to any defendant in response to Question 4.

Question 9:

(a) Has plaintiff proven that Mr. Bah's estate suffered compensatory damages as a result of the intentional placing of Mr. Bah in apprehension of imminent harmful or offensive contact without justification?

Yes _____ No _____

(b) If you answered "Yes," to Question 9(a), state the dollar amount of any actual compensatory damages plaintiff has proven on her apprehension of imminent harmful or offensive contact without justification claim:

\$ _____

(c) If you answered "No" to Question 9(a), state the amount of nominal damages to be awarded to the plaintiff on the apprehension of imminent harmful or offensive contact without justification claim, not to exceed one dollar:

\$ _____

Answer Question 10 only for the defendants you answered "Yes" in response to Questions 1 to 6.

Question 10:

(a) Has the plaintiff proven that any of the defendants acted maliciously or wantonly, and if so, that plaintiff is entitled to an award of punitive damages?

Brian Stanton	Yes _____	No <input checked="" type="checkbox"/>
Esmeralda Santana	Yes _____	No <input checked="" type="checkbox"/>
Robert Gallitelli	Yes _____	No <input checked="" type="checkbox"/>
Edwin Mateo	Yes _____	No <input checked="" type="checkbox"/>
Andrew Kress	Yes _____	No <input checked="" type="checkbox"/>
Michael Green	Yes _____	No <input checked="" type="checkbox"/>
Joseph McCormack	Yes _____	No <input checked="" type="checkbox"/>
Michael Licitra	Yes _____	No <input checked="" type="checkbox"/>

(b) If you answered "Yes" as to any of the defendants, state the dollar amount of any punitive damages that you award as to that defendant:

Brian Stanton	\$ _____
Esmeralda Santana	\$ _____
Robert Gallitelli	\$ _____
Edwin Mateo	\$ _____
Andrew Kress	\$ _____
Michael Green	\$ _____
Joseph McCormack	\$ _____
Michael Licitra	\$ _____

Answer Questions 11 through 19 if you answered "Yes" as to any defendant in response to Questions 1 or 3 or 4.

Question 11:

Did defendants prove that Mr. Bah had a knife in his hand during his encounter with the ESU Officer defendants?

Yes ☒ No _____

Questions 12:

Did defendants prove that any of the following defendants reasonably believed, even if mistakenly, that Mr. Bah was threatening, stabbing, or slashing with a knife at one or more officers in the moments before discharging his firearm?

Edwin Mateo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Andrew Kress	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Michael Green	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Question 13:

Did defendants prove that Mr. Bah was moving towards Detective Mateo with a knife in his hand when Detective Mateo discharged his firearm?

Yes ☐ No ☒

Question 14:

Did defendants prove that Sergeant McCormack reasonably believed, even if mistakenly, that Mr. Bah was threatening one or more of the ESU officers with a knife when he deployed his Taser?

Yes ☒ No ☐

Question 15:

Did defendants prove that Officer Stanton reasonably believed, even if mistakenly, that Mr. Bah was in urgent need of medical assistance when Officer Stanton put his foot in the door threshold?

Yes ☒ No ☐

Question 16:

Did defendants prove that Officer Santana reasonably believed, even if mistakenly, that Mr. Bah was in urgent need of medical assistance when Officer Santana pushed Mr. Bah's door with her foot?

Yes ☒ No ☐

Question 17:

Did defendants prove that the any of the ESU officers reasonably believed, even if mistakenly, that Mr. Bah was in urgent need of medical assistance when Mr. Bah became silent inside the apartment?

Edwin Mateo	Yes <u>✓</u>	No _____
Andrew Kress	Yes <u>✓</u>	No _____
Michael Green	Yes <u>✓</u>	No _____
Joseph McCormack	Yes <u>✓</u>	No _____
Michael Licitra	Yes <u>✓</u>	No _____

Question 18:

Did defendants prove that any of the ESU Officer defendants reasonably believed, even if mistakenly, that Mr. Bah was in urgent need of medical assistance when the pole camera was inserted into Mr. Bah's apartment?

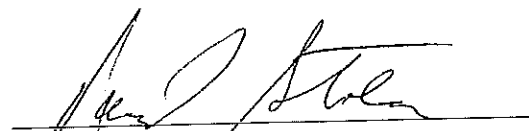
Edwin Mateo	Yes _____	No <u>✓</u>
Andrew Kress	Yes _____	No <u>✓</u>
Michael Green	Yes _____	No <u>✓</u>
Joseph McCormack	Yes _____	No <u>✓</u>
Michael Licitra	Yes _____	No <u>✓</u>

Question 19:

Did defendants prove that any of the ESU Officer defendants reasonably believed, even if mistakenly, that opening the door to insert the pole camera was necessary to assess whether it was safe to enter the apartment in order to render aid to Mr. Bah?

Edwin Mateo	Yes <u>✓</u>	No _____
Andrew Kress	Yes <u>✓</u>	No _____
Michael Green	Yes <u>✓</u>	No _____
Joseph McCormack	Yes <u>✓</u>	No _____
Michael Licitra	Yes <u>✓</u>	No _____

Your deliberations are finished. The Foreperson should sign and date the verdict sheet and return it to the Deputy Marshal.


Foreperson

Dated: New York, New York
November 14, 2017